

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MARY ESPOSITO, Individually and on Behalf
of All Other Persons Similarly Situated,

Plaintiff,

v.

AMERICAN RENAL ASSOCIATES
HOLDINGS, INC., JOSEPH A. CARLUCCI,
JONATHAN L. WILCOX, SYED T. KAMAL,
JONATHAN J. McDONOUGH,
CENTERBRIDGE CAPITAL PARTNERS L.P.,
MERRILL LYNCH, PIERCE, FENNER, &
SMITH, INC., BARCLAYS CAPITAL INC.,
GOLDMAN, SACHS & CO., WELLS FARGO
SECURITIES, LLC, SUNTRUST ROBINSON
HUMPHREY, and LEERINK PARTNERS LLC,
Defendants.

Civil Action No.: 16 Civ. 11797 (ADB)

CLASS ACTION

ECF Case

**LEAD PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT, CERTIFICATION OF A SETTLEMENT CLASS,
AND APPROVAL OF NOTICE TO THE SETTLEMENT CLASS**

Lead Plaintiffs Errol M. Rudman and Rudman Partners hereby move, pursuant to Federal Rule of Civil Procedure 23(e), for an order, *inter alia*: (i) preliminarily approving the proposed settlement; (ii) certifying the proposed Settlement Class and appointing Lead Plaintiffs as class representatives and Lead Plaintiffs' Counsel as class counsel solely for purposes of the settlement; (iii) approving the form and manner of giving notice of the proposed settlement to Settlement Class Members; and (iv) scheduling a hearing on final approval of the settlement and Lead Plaintiff's Counsel's motion for an award of attorneys' fees and litigation expenses (which may include a request, pursuant to the Private Securities Litigation Reform Act of 1995, for reimbursement of

one or more of Lead Plaintiffs' time and expenses representing the Settlement Class). Attached as Exhibit A to the Stipulation of Settlement, itself attached as Exhibit 1 to the Declaration of Ira M. Press In Support Of Preliminary Approval of Class Action Settlement, is a [Proposed] Order Preliminarily Approving Class Action Settlement and Providing for Notice and Settlement Hearing.

The grounds for this Motion are set forth in the accompanying memorandum of law.

Defendants do not oppose the relief requested in this Motion.

Dated: January 31, 2018

Respectfully submitted,

KIRBY McINERNEY LLP

/s/ Ira M. Press
Ira M. Press (admitted *pro hac vice*)
Andrew M. McNeela (admitted *pro hac vice*)
825 Third Avenue, 16th Floor
New York, New York 10022
Telephone: (212) 371-6600
Facsimile: (212) 751-2540
Email: ipress@kmlp.com
amcneela@kmlp.com

Counsel for Lead Plaintiffs and the Proposed Settlement Class

LAW OFFICES OF MARK BOOKER

Mark Booker, B.B.O. #659957
33 Mount Vernon Street, 4th Floor
Boston, Massachusetts 02108
Telephone: (617) 248-1650

Liaison Counsel for Lead Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically on this 31st day of January, 2018, to the registered participants as on the Notice of Electronic Filing (NEF). At this time, I am not aware of any non-registered participants to whom paper copies must be sent.

/s/ Ira M. Press

Ira M. Press